

9:30 AM  
Tuesday November 13, 1979  
FOR IMMEDIATE RELEASE

The Preservation of Agricultural  
Lands Society  
134 Church Street  
St. Catharines, Ontario

STATEMENT BY DR. ROBERT C. HOOVER, CHAIRMAN OF THE PRESERVATION OF  
AGRICULTURAL LANDS SOCIETY(PALS) CONCERNING SECOND PHASE OF ONTARIO  
MUNICIPAL BOARD HEARINGS ON THE NIAGARA FOODLANDS

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On February 16th 1977, the Government of Ontario informed the Niagara  
Regional Council that it had included an ~~ex~~cessive amount of Niagara's  
unique fruit, grape and vegetable producing land in future urban areas  
boundaries. The Government thereupon ordered the fixing of new urban  
areas boundaries which would remove 3000 acres, including just under  
2000 acres of prime food-producing land, from urban development. It  
subsequently permitted this decision to be appealed to the Ontario  
Municipal Board.

The hearings starting later this morning deal with appeals against the  
Government's decision. At stake are 63 referral areas of land totalling  
approximately 4500 acres. The Preservation of Agricultural Lands Society  
(PALS) is asking the OMB further to reduce the urban development boundaries  
by approximately 1900 acres in the 15 referral areas submitted by PALS.

The other 48 referral areas have been submitted to the OMB by developers  
and land speculators. If approved for inclusion in the urban area, these



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include  
developer-speculator referral areas will 1/2600 acres which now lie outside  
the urban area boundaries set by the Government in 1977.

Even if PALS' request is successful, however, there will still be 2000  
acres of prime fruit and grape land left within urban boundaries for future  
development. On the other hand, if developer-speculator requests to expand  
the Government's boundaries are approved, the entire principle of food-  
land preservation would be in doubt. For, this would result in an urban  
area just about equal to the one which existed before the Government  
ordered its cutback in 1977.

It is expected that the next round of hearings will last some sixteen  
weeks. The total cost of these hearings to all sides ( most of which  
will be borne by Niagara taxpayers) will be in the range of 600,000 to  
as much as a million dollars.

On October 15th, this year, the present Minister of Housing stated that  
it was "still government policy as stated by the late Minister of Housing,  
The Honourable John Rhodes, that the urban boundaries of the Niagara  
fruit and grapeland shall be cut to 3,000 acres less than those set by

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the Niagara Regional Council in 1974." Even so, the Government has stated that it does not intend to defend its position at these hearings! The government lawyer, speaking for the Minister at the abortive OMB hearing in June 1979, said, "perhaps the Board (OMB) should now just hear all of the evidence and come to its own conclusion."

This clearly means that PALS, a voluntary citizen group, must not only make its own case for a cutback of 1900 acres from the government-set boundary of 1977; but it must now also provide the only defense for the government's own reduction of 3000 acres (1977), - and, as well, the defense against the 2600 acre expansion beyond the government's line which is being demanded by developers and speculators.

The situation, thus, partakes of a certain absurdity. For, here the Government is opting out of its responsibility, while leaving a citizens' organization financed exclusively by voluntary contributions, to defend that government's own stated position.

Nevertheless, PALS fully accepts the challenge, together with the crushing financial burden, to fight the case of the Government of Ontario as well as its own case for Niagara Foodland Preservation.

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PALS lawyer, Peter Elliott, has been instructed to carry the battle for protection of Niagara's unique agricultural lands to the OMB. He will present the PALS case for a 1900-acre cutback of the Government's boundary of 1977, and the case for **holding** the Government's line against the addition of 2600 acres which builders, developers and speculators propose to have included in the urban areas boundaries. PALS is, therefore, acting, in all, to preserve 4500 acres of Niagara's prime land from being lost forever to urban development.

There is convincing evidence that the vast majority of the Niagara public are supportive of the PALS position. For example, a survey conducted by the Honourable James Bradley, MPP(St. Catharines) among all the households of his constituency in 1978, showed that 90 percent of the respondents opposed residential, commercial and industrial development on prime food-producing land. **This was a 100 percent sample with an 8 percent return which is considered statistically significant.** Under the circumstances, the Government appears to be negligent in its **respe** responsibilities. However, there is one further point where it seems to be less than fully responsible. The first stage of the hearings, **dealing with land south of the escarp**

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which dealt with land in Thorold and Niagara Falls was held a year ago. The

OMB handed down its decision on these lands on February 9th of this year.

It was a major victory for foodland preservation in general, and specifically

for PALS and the Niagara South Federation of Agriculture. In this landmark

decision, the OMB ruled that approximately 1700 of the 2350 acres under

consideration would be preserved. Subsequently, development interests

attempted to upset the OMB's decision by taking the matter through three

separate court proceedings. The delays were costly to the public and to

PALS. However, in each appeal, the developers lost and the courts awarded

costs to PALS. Since the OMB's February decision, though, both the City

of Thorold and land development interests have appealed to Cabinet to over-

turn the OMB decision. Cabinet's response has been simply to postpone its

decision.

Thus, the second phase of the hearings, with all of the costs and time

involved, is now going to proceed without any knowledge of the Government's

judgement in the First Phase. This delay is difficult to explain inasmuch

as a year has now gone by since the first hearings were launched on which

the OMB made its now historic decision. Indeed, depending on the Govern=

ment's first round decision, one or both sides might reconsider its position  
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AND CONCEIVABLY SAVE THE PUBLIC HUNDREDS OF THOUSANDS OF DOLLARS  
and conceivably save the public hundreds of thousands of dollars in legal

costs. Also such a decision would have provided valuable precedents upon which the board and the contestants could draw in presenting arguments and making judgements.

As PALS faces the next set of hearings, it becomes a "David-and-Goliath" encounter even more than was the case in the first phase. By comparison, there will be one lawyer representing PALS , and up to forty or more representing those who are pushing for urban boundary expansion.

However, PALS faces Phase Two of the Niagara Foodland Hearings with full confidence in the merits of its case. The hearings panel has been confirmed by the highest courts of Ontario as being qualified and impartial. As for PALS, we do not want or need a biased board to hear our case, We believe it will stand on its own merits before the most searching judicial scrutiny. We opine with conviction that our arguments are as valid as our cause is just. PALS is in the battle to win 4500 acres of irreplaceable foodland for the present and future generations of Niagara, of Ontario, and of Canada.